

Message Text

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ACTION EUR-12

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C O N F U P D E N T I A L USNATO 3551

E.O. 11652: GDS

TAGS: PFOR, NATO, ICRC, PARM

SUBJECT: INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT--PROPOSED
NATO CONSULTATIONS

REF: STATE 154291

SUMMARY: ON JULY 1, POLADS AGREED AD REFERENDUM ON TEXT OF A DRAFT REQUEST TO INTERNATIONAL MILITARY STAFF (IMS) FOR ADVICE ABOUT IMPLICATIONS OF POSSIBLE PROHIBITION OF OR RESTRICTIOS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS. DESPITE FRG EFFORT TO EXPAND IMS STUDY TO INCLUDE OTHER ISSUES, COMMITTEE DECIDED TO LIMIT ITS ATTENTION INITAILLY TO STRICTLY MILITARY QUESTIONS. RECOMMEN- DATION: THAT WE BE AUTHORIZED TO AGREE TO DRAFT REQUEST FOR IMS STUDYAT JULY 8 POLADS MEETING. END SUMMARY.

1. UPON RECEIPT REFTEL AND PRIOR TO JULY 1 POLADS MEETING, US RP (SHOSTAL) CONTACTED UK AND FRENCH COUNTERPARTS (FRG REP WAS UN- AVAILABLE) TO BRIEF THEM ON US VIEWS ABOUT NATO CONSULTATIONS AS PER REF TEL.

2. AT POLADS MEETING, US REP SAID WASHINGTON IS PREPARED TO AGREE THAT IMS STUDY MILITARY IMPLICATIONS OF THE POSSIBLE PROHIBITION ON THE USE OF CERTAIN WEAPONS. HE ADDED THAT, CONFIDENTIAL

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IN US VIEW, SUCH A STUDY SHOULD BE HANDLED AT IMS/POLADS LEVEL AND THAT NAY SUCH NATO EXERCISE SHOULD TAKE FULL ACCOUNTY OF GOVERNMENT POSITIONS ANDSTUDIES. US REP ALSO NOTED THAT AT PLLADS MEETING WIT DISARMAMENT EXPERTS THIS AUTUMN,

DISCUSSION OF THESE ISSUES SHOULD BE BASED ON GOVERNMENT INSTRUCTIONS.

3. SEVERAL ALLIED REPS AGREED WITH US VIEW THAT INITIAL NATO CONSIDERATION SHOULD BE LIMITED TO MILITARY ISSUES, THOUGH SOME THOUGHT THAT CHANNELING REQUEST THROUGH THE NATO MILITARY COMMITTEE (MC) WOULD RESULT IN IMS DOING A MORE THOROUGH JOB. IMS

REP (COL. WILDRICK-US) REPLIED THAT, ON THE CONTRARY, A DIRECT POLADS REQUEST TO IMS WOULD POSE FEWER BUREAUCRATIC PROBLEMS.

4. THE FRG REP (CITRON), ON INSTRUCTIONS, EXPRESSED CONCERN THAT AT THE LUGANO EXPERTS CONFERENCE AND AT THE SUBSEQUENT DIPLOMATIC CONFERENCE, THE ALLIES WILL BE UNDER PRESSURE FROM NON-LIGNED STATES AND THAT UNLESS THE ALLIES COORDINATE THEIR POSITIONS BEFOREHAND THEY RISK "LOSING GROUND". IN PARTICULAR, THE FRG SUGGESTED INCLUDING AN EXAMINATION OF THE IMPLICATIONS OF THE POSSIBLE PROHIBITION AND LIMITATIONS OF USE OF WEAPONS WHICH MIGHT RESULT FROM ARTICLE 46.3 OF THE FIRST SUPPLEMENTARY PROTOCOL TO THE GENEVA CONVENTIONS OF 1949 (ADOPTED MARCH 14, 1975 IN COMMITTEE THREE OF THE DIPLOMATIC CONFERENCE). SEVERAL REPS, INCLUDING US, SUGGESTED STICKING TO STRICTLY MILITARY ISSUES DURING CURRENT STAGE OF DELIBERATIONS. AFTER DISCUSSION, THIS VIEW PREVAILLED AND COMMITTEE AGREED AND REFERENDUM ON FOLLOWING DRAFT REQUEST FROM POLADS TO IMS:

BEGIN TEXT:

THE IMS IS REQUESTED TO PROVIDE STAFF LEVEL ADVICE ON THE IMPLICATIONS FOR THE MILITARY SECURITY OF THE ALLIANCE OF POSSIBLE PROHIBITIONS AND /OR RESTRICTIONS ON THE USE OF CERTAIN CATEGORIES OF WEAPONS TO BE DISCUSSED AT THE SECOND SESSION OF THE CONFERENCE OF GOVERNMENT EXPERTS ON CONVENTIONAL WEAPONS UNDER THE AUSPICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

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CORSS (LUGANO, JANUARY 28-FEBRUARY 24 1976), TAKING ACCOUNT OF;
(A) THE POSSIBILITY OF REPLACEMENT BY ALTERNATIVE CONVENTIONAL WEAPONS;
(B) DIFFERENT FORMS OF LIMITATION ON USE (E.G. FIRST USE, USE IN POPULATED AREAS, REPRISALS);
(C) POSSIBLE FUTURE DEVELOPMENTS IN ARMAMENTS.
THE IMS IS REQUESTED TO SUBMIT ITS REPORT NOT LATER THAN 22 SEPTEMBER 1975.

END TEXT

5. 5. US REP SUGGESTED THAT POSSIBILITY FOR NATIONAL CONTRIBUTIONS TO IMS STUDY BE KEPT OPEN. US REP ALSO ASKED FOR CLARIFICATION

ON WHETHER POLADS/DISARMAMENT EXPERTS DISCUSSION THIS AUTUMN ON THIS SUBJECT WOULD BE IN FRAMEWORK OF REGULAR NATO DISARMAMENT MEETING OR WOULD BE A SEPARATE EXERCISE.

HEAD OF NATO DISARMAMENT AND ARMS CONTROL SECTION ((PABSCH) SUGGESTED THAT THIS ITEM MIGHT BE INCLUDED ON AGENDA OF REGULAR POLADS/DISARMAMENT EXPERTS MEETING, POSSIBLY FORMING MAIN TOPIC OF ONE DAY' DISCUSSION AT TWO-DAY MEETING. NO DECISION, HOWEVER, WAS REACHED ON THIS MATTER.

6. IN CONVERSATION AFTER POLADS MEETING, FRG REP (CITRON) INDICATED TO US HIS LACK OF KNOWLEDGE OF PARIS GROUP WORK ON THESE ISSUES AND SAID HE WAS GRATEFUL TO HAVE BACKGROUND INFO WE PROVIDED HIM (STATE 145612).

7. COMMENT: MUCH OF STEAM FOR FULL-SCALE MILITARY/POLITICAL CONSULTATIONS IN NATO ON THIS SUBJECT HAS COME FROM FRG DEL AND IS REP PABSCH (WHO IS GERMAN). WE SUSPECT THEY MAY BE RESPONDING TO BUREAUCRATIC PRESSURES FROM BONN, PERHAPS REFLECTING DEFENSE MINISTER LEBER'S PERSONAL INTEREST AS EXPRESSED AT THE MAY DPC MINISERIAL.

OUTCOME OF POLADS DISCUSSION SEEMS TO PROVIDE A MANAGEABLE FRAMEWORK FOR NATO DISCUSSIONS. IT IS UNLIKELY, HOWEVER, THAT WITHOUT CONTRIBUTIONS FROM ALLIED GOVERNMENTS AND SACEUR, IMS WILL BE ABLE TO PROVIDE DETAILED MILITARY OPINION. A US INPUT, AS INDICATED PARA 3 REFTEL, MIGHT THEREFORE BE USEFUL AT THE APPROPRIATE MOMENT. IMS WILL START PRELIMINARY WORK ON ITS STUDY IMMEDIATELY IN CONFIDENTIAL

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ANTICIPATION OF POLADS APPROVAL OF REQUEST ON JULY 8. DUE DATE FOR IMS STUDY, AS PER EDRAFT REQUEST (PARA 4 ABOVE), IS SEPTEMBER 22.

9. RECOMMENDATION: THAT WE BE AUTHORIZED TO ACCEPT DRAT POLADS REQUEST TO IMS AT JULY 8 POLADS MEETING. STREATOR

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